

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15500 of Freeman Hardy, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to an existing nonconforming structure that now exceeds the allowable lot occupancy and does not meet the minimum rear yard requirements [Paragraph 2001.3(a), (b) and (c)], a variance from the lot occupancy requirements (Sub-section 403.2), and a variance from the rear yard requirements (Sub-section 404.1) for a two-story addition to a nonconforming structure in an R-4 District at premises 1201 Morse Street, N.E., (Square 4069, Lot 815).

HEARING DATE: May 8, 1991
DECISION DATE: May 8, 1991 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission ANCs 5B and 6A and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission (ANC) 5B and in proximity to ANC 6A. ANC 5B, which is automatically a party to the application, filed a written statement of issues and concerns in support of the application. ANC 6A did not submit a written statement or request to be treated as an affected ANC.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 2001.3(a), (b) and (c); 403.2 and 404.1. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore **ORDERED** that the application is **GRANTED**.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 that the Order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

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VOTE: 3-0 (Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant; Sheri M. Pruitt and Tersh Boasberg not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: MAY 17 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, 'NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENMTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.'

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15500Order/TWR/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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BZA APPLICATION NO. 15500

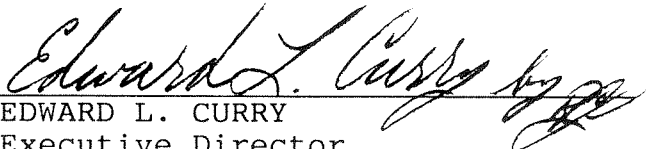
As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 17 1991 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Joseph P. Quarterman
2602 Berkley Street
Temple Hills, Maryland 20748

Freeman Hardy
2929 Marlow Road
Silver Spring, Maryland 20904

Charles W. Ferguson
1129 Montello Avenue, N.E.
Washington, D.C. 20002

MaryRose Chappelle, Chairperson
Advisory Neighborhood Commission 5-B
1355-57 New York Avenue, N.E.
Washington, D.C. 20002


EDWARD L. CURRY
Executive Director

DATE: MAY 17 1991

15500Att/bhs